

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

ATTORNEYS AT LAW

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1700 PACIFIC AVENUE

SUITE 4100

DALLAS, TEXAS 75201

(214) 969-2800

FAX (214) 969-4343

www.akingump.com

WRITING E-MAIL ADDRESS: crouk@akingump.com

AUSTIN
BRUSSELS
DALLAS
HOUSTON
LONDON
LOS ANGELES
MOSCOW
NEW YORK
PHILADELPHIA
SAN ANTONIO
WASHINGTON D.C.

FAX RECEIVED

JAN 17 2002

Technology Center 2100

KITAON - IN AFFILIATION WITH
THE LAW OFFICE OF ABDULAZIZ N. FAHAD

FAX TRANSMISSION

January 17, 2002

PLEASE DELIVER 10 PAGE(S) (Including Cover Sheet) TO THE FOLLOWING:

Name	Company Name	Facsimile Number	Company Number
Examiner Pinchus M. Laufer	U.S. Patent & Trademark Office	703-305-8266	703-306-4160

FROM: Chris J. Rourke

PHONE: 214-969-4669

FLOOR: 43

RE: 09/851,745; Attorney Docket No. 015351/0001 (B69465)

Comments/Special Instructions

Please see attached.

CLIENT/MATTER NO: 015351/0001

USER ID: 016035

SECRETARY: Kelly Breze

EXT: 4243

☒ Return fax via Interoffice Mail☐ Hold fax for pickup

Fax Operator Verification: _____

☐ Attention Akin, Gump fax operator, please call attorney at home if there are any problems transmitting this document

The information contained in this facsimile message is attorney-client privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service.

If there are any problems during this transmission, call our office at 214-969-4708.

Attorney Docket
No. 015351-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Group Art Unit: 2166
)	Examiner: Pinchus M. Laufer
Akers, et al.)	
)	
Serial No. 09/851,745)	
)	
Filed: May 9, 2001)	
)	
For: SYSTEM AND METHOD FOR)	
ELECTRONIC MEDICAL FILE)	
MANAGEMENT)	

CERTIFICATE OF TRANSMISSION AND MAILING

Pursuant to 37 C.F.R. Sec 1.8, I hereby certify that this paper is being transmitted by facsimile to the United States Patent and Trademark Office on January 14, 2002, attention of Pinchus M. Laufer, (703) 305-8266, and is being deposited with the United States Postal Service on January 16, 2002 with sufficient postage as first class mail and in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, ATTENTION: Group Director.

Christopher J. Rourke

REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231
ATTENTION: Group Director

Dear Sir:

In response to a Decision on Petition for Accelerated Examination Under M.P.E.P. §708.02(VII), (Paper No. 5) regarding the above referenced patent application, and pursuant to a subsequent discussion with Examiner Laufer on 01/03/2002, Applicants respectfully submit the Amended Search Report in Support of the Petition to Make Special and request reconsideration of same.

Applicants appreciate the indication by the Examiner that the Amended Search Report overcomes the grounds for rejection, and request for the above mentioned reasons, among others, that the rejection of Applicants Petition to Make Special pending claims under M.P.E.P. §708.02, Section VIII, section (e), to the extent required by 37 CFR 1.111(b) and (c), be withdrawn.

Applicants respectfully request reconsideration of the rejection, and solicit an early notice to the effect that the Petition is allowed.

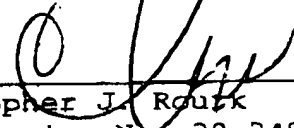
Respectfully submitted,

AKIN, GUMP, STRAUSS, HAUER
& FELD, L.L.P.
1700 Pacific Avenue, Suite 4100
Dallas, TX 75201-4618
(214) 969-2800
(214) 969-4343 facsimile

Date:

1/17/02

By:


Christopher J. Rouk
Registration No. 39,348
Attorney for Applicants

Attorney Docker
No. 015351.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of)	
)	
Akers, et al.)	
)	Group Art Unit: 2166
Serial No. 09/851,745)	
)	Examiner: unassigned
Filed: May 9, 2001)	
)	
For: SYSTEM AND METHOD FOR)	
ELECTRONIC MEDICAL FILE)	
MANAGEMENT)	

AMENDED PRELIMINARY SEARCH REPORT IN SUPPORT OF
PETITION TO MAKE SPECIAL UNDER MPEP § 708.02 (VIII)

Commissioner for Patents
Washington, D.C. 20231
ATTENTION: Group Director

Sir:

This is to certify that a preliminary search report has been made by a professional searcher and that the undersigned attorney has reviewed other references, all relating to the subject matter of the above-identified application.

The field of search was in the following Patent Office classifications: class 705, subclass 2 and 3. An additional search was done in relevant foreign patents and literature.

The following references were noted during the search, and a review and copy of each is attached hereto:

<u>Reference</u>	<u>U.S. Patent No.</u>	<u>Patentee</u>
AA	6,055,507	Cunningham
AB	5,832,449	Cunningham
AC	5,907,493	Boyer et al.
AD	5,845,255	Mayaud
AE	6,067,524	Byerly et al.

THE INVENTION:

The present invention relates to a system for transferring electronic medical files. As set forth in claim 1, the system comprises:

(a) a record server having a medical record data file, the medical record data file having medical record data;

(b) a record client coupled to the record server, the record client receiving the medical record data file; and

(c) wherein the medical record data is encapsulated to prevent modification of the medical record data.

The claimed system is particularly advantageous in that it encapsulates the medical record data to prevent modification of the medical record data.

Claims 2 - 9 are directed to further aspects of the claimed electronic medical record transfer system. Claims 10 - 15 are directed to a method for electronic medical file transfer in which the following steps are performed:

(a) encapsulating medical record data to prevent it from

being modified;

(b) assembling the medical record data into a medical record data file;

(c) receiving a request to transfer the medical record data file; and

(d) transferring the medical record data file to a remote location.

Claims 16 - 19 are directed to a system for distributing medical supplies comprising the following elements:

(a) a record server receiving package data;

(b) a record client coupled to the record server, the record client receiving the package data from the record server and verification data; and

(c) wherein the record server receives the verification data from the record client and correlates the verification data to the package data.

The claimed system is particularly advantageous in that it correlates verification data to the package data to prevent inadvertent distribution of medical supplies to the wrong patient.

Claim 20 through 22 are directed to a method for distributing medical supplies that comprise the steps of:

(a) storing package data corresponding to a sealed package;

(b) transmitting the sealed package to a remote site;

(c) receiving the package data from the remote site; and

(d) authorizing release of the package if the stored package

data matches the received package data.

None of the above cited references disclose or suggest the claimed systems or methods of Claims 1 through 9, 10 through 15, 16 through 19, or 20 through 22.

THE DISTINCTIONS OVER THE CITED REFERENCES:

U. S. Patent No. 6,055,507 to Cunningham (Ref. AA) discloses a method and system for dispensing, tracking and managing pharmaceutical trial products. All medicine is dispensed to patients at a pharmacy. Trial product media is used to authorize the distribution of trial pharmaceutical products.

U. S. Patent No. 5,832,449 to Cunningham (Ref. AB) discloses a method and system for dispensing, tracking and managing pharmaceutical trial products. All medicine is dispensed to patients at a pharmacy. Trial product media is used to authorize the distribution of trial pharmaceutical products.

U. S. Patent No. 5,907,493 to Boyer et al. (Ref. AC) discloses a pharmaceutical dispensing system that comprises one or more modules disposed at a pharmacy, and where one or more pharmacies may be monitored by a central computer.

U. S. Patent No. 5,845,255 to Mayaud (Ref. AD) discloses a prescription management system that is wirelessly deployable, and that captures into a prescription a patient condition-objective of the prescribed treatment, and which provides for patient record assembly from source elements, with privacy controls for the patient and doctor.

U. S. Patent No. 6,067,524 to Byerly et al. (Ref. AE)

discloses a method and system for automatically generating advisory information for pharmacy patients. The method includes appending patient-specific information to a data record containing normally-transmitted information.

The following combination of elements of the independent claims are lacking from each of these references as described, such that none of these references presents a bar to patentability under 35 USC 102:

Claim 1: (a) a record server having a medical record data file, the medical record data file having medical record data; (b) a record client coupled to the record server, the record client receiving the medical record data file; and (c) wherein the medical record data is encapsulated to prevent modification of the medical record data.

Claim 10: (a) encapsulating medical record data; (b) assembling the medical record data into a medical record data file; (c) receiving a request to transfer the medical record data file; and (d) transferring the medical record data file.

Claim 16: (a) a record server receiving package data; (b) a record client coupled to the record server, the record client receiving the package data from the record server and verification data; and (c) wherein the record server receives the verification data from the record client and correlates the verification data to

the package data.

Claim 20: (a) storing package data corresponding to a sealed package; (b) transmitting the sealed package to a remote site; (c) receiving the package data from the remote site; and (d) authorizing release of the package if the stored package data matches the received package data.

Furthermore, no combination of these references discloses the claimed invention of the independent claims for at least the reasons described below, such that no combination of these references presents a bar to patentability under 35 USC 103:

Claim 1: no reference discloses or suggests encapsulation of medical record data.

Claim 10: no reference discloses or suggests encapsulation of medical record data.

Claim 16: no reference discloses correlating verification data to package data.

Claim 20: no reference discloses authorizing release of a package if stored package data matches received package data.

It is therefore submitted that claims 1 - 22 clearly and precisely distinguish over the references cited above, that none of the references cited above, standing alone, discloses every element of the independent claims so as to present a bar to patentability under 35 USC 102, and that no combination of the references discloses every element of any of the independent

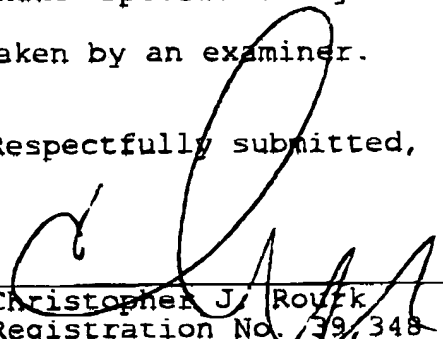
claims so as to present a bar to patentability under 35 USC 103.

Copies of references AA through AE cited above are provided herewith.

In view of the foregoing, it is respectfully requested that the accompanying Petition to Make Special be granted and that early and favorable action be taken by an examiner.

Respectfully submitted,

Date: January 17, 2002



Christopher J. Roufk
Registration No. 39,348
Attorney for Applicant

AKIN, GUMP, STRAUSS,
HAUER & FELD, L.L.P.
1700 Pacific Avenue
Suite 4100
Dallas, Texas 75201-4675
(214) 969-4669